

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) Criminal No. 04-10111-MEL
Plaintiff)
V.)
)
COREY SMITH)
Defendant)

**MOTION FOR HEARING RE RELEASE STATUS
PENDING DISPOSITION; REQUEST FOR HABEAS IF NECESSARY**

COMES NOW Defendant COREY SMITH, by and through Counsel who hereby moves this Honorable Court for an immediate hearing concerning Mr. SMITH's release status and, if necessary, issuing a habeas returning Mr. SMITH to federal custody pending disposition.

This motion is made on the ground that it is necessary to prevent a *manifest injustice* in that counsel has been informed by AUSA Patrick Hamilton, that state agents who are working closely with the Government herein, and apparently disturbed by this Court's order, have caused a Roxbury District Court judge to issue a warrant for Mr. SMITH's arrest on a pending state district court matter in complete disregard for this Honorable Court's decision to release Mr. SMITH for him to complete drug treatment and rehabilitation.

WHEREFORE, Mr. Smith requests an immediate hearing to address the issues herein.

COREY SMITH
By his attorney,
s/ *Michael C. Bourbeau*

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